

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

In the Matter of WAUKEEN ROBERT  
SPRAGGINS, JR., SHA'QUANA MAUREEN  
HALL, DA'JUANA LYNN HALL, and DHALIA  
QUANEA HALL, Minors.

---

FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

v

KHALIA JEAN FRANCIS,

Respondent-Appellant,

and

DEQUAUN LYNN HALL and FRONTIS  
WALKER, JR.,

Respondents.

---

In the Matter of WAUKEEN ROBERT  
SPRAGGINS, JR., SHA'QUANA MAUREEN  
HALL, DA'JUANA LYNN HALL, and DHALIA  
QUANEA HALL, Minors.

---

FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

v

DEQUAUN LYNN HALL,

Respondent-Appellant,

UNPUBLISHED  
August 28, 2003

No. 242412  
Wayne Circuit Court  
Family Division  
LC No. 99-375367

No. 242643  
Wayne Circuit Court  
Family Division  
LC No. 99-375367

and

KHALIA JEAN FRANCIS and FRONTIS  
WALKER, JR.,

Respondents.

---

In the Matter of DE'QUAUN LYNN HALL, JR.,  
Minor.

---

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DEQUAUN LYNN HALL,

Respondent-Appellant,

and

KHALIA JEAN FRANCIS,

Respondent.

---

In the Matter of DE'QUAUN LYNN HALL, JR.,  
Minor.

---

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KHALIA JEAN FRANCIS,

Respondent-Appellant,

and

DE'QUAN LYNN HALL,

No. 244384  
Wayne Circuit Court  
Family Division  
LC No. 99-375367

No. 244505  
Wayne Circuit Court  
Family Division  
LC No. 99-375367

Respondent.

---

Before: Markey, P.J., and Cavanagh and Saad, JJ.

MEMORANDUM.

In these consolidated cases, respondents-appellants appeal as of right from the trial court orders terminating their parental rights to the minor children Waukeen Spraggins, Sha'Quana Hall, Da'Juana Hall, and Dhalia Hall under MCL 712A.19b(3)(j), and their parental rights to the minor child De'Quaun Hall under MCL 712A.19b(3)(i), (j), and (l). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in determining that MLC 712A.19b(3)(j) was established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence was uncontroverted that Sha'Quana, Da'Juana, and Dhalia all suffered numerous, intentionally inflicted fractures as infants. The perpetrator of the abuse remained unknown.

The injuries to Sha'Quana occurred in 1999, after which respondents-appellants complied with services, including counseling and parenting classes. After return of the children to respondents-appellants, Dhalia and Da'Juana suffered similar injuries in 2001. Respondents-appellants both maintained that Waukeen inflicted the injuries when he was four and then six years old, despite two treating doctors' statements that a child could not inflict the injuries sustained. The trial court correctly terminated respondents-appellants' parental rights to the four children pursuant to MCL 712A.19b(3)(j) on June 11, 2002.

The newborn, De'Quaun, was removed from respondents-appellants' custody immediately after his birth on June 14, 2002. Applying the doctrine of anticipatory neglect, and taking judicial notice of the prior termination, the trial court correctly determined at the initial disposition that MCL 712A.19b(3)(i), (j), and (l) had been established by clear and convincing evidence, and terminated respondents-appellants' parental rights to De'Quaun on September 19, 2002.

Additionally, in both termination proceedings, the trial court correctly determined that termination of respondents-appellants' parental rights was not clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the Clinic for Child Study showed that respondents-appellants seemed to be caring and concerned parents who were bonded with the children, the relative certainty of physical harm if the children were returned to respondents-appellants indicated that termination of parental rights was not against their best interests. The evidence that respondents-appellants had separated did not guarantee the children's safety because the perpetrator of the abuse was not known, and

regardless of which person perpetrated the abuse, respondents-appellants had allowed it to occur many, many times.

Affirmed.

/s/ Jane E. Markey

/s/ Mark J. Cavanagh

/s/ Henry William Saad